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Chairman: Mr. MADEJ (Poland)
(Vice-Chairman)

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In the absence of Mr. Lamptey (Ghana), Mr. Madej (Poland), Vice-Chairman, took the Chair.

The meeting was called to order at 10.40 a.m.

AGENDA ITEM 136: UNITED NATIONS DECADE OF INTERNATIONAL LAW (A/49/323 and Add.1 and 2; A/C.6/49/L.10)

1. Mr. MARTENS (Germany), in his capacity as Chairman of the Working Group on the United Nations Decade of International Law, introduced the report contained in document A/C.6/49/L.10. He said that in its work, the Group had focused on two main issues: the revised guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, and the state of preparation of the United Nations Congress on Public International Law. As a result of its discussions in that regard, the Working Group had proposed various modifications in the programme of activities for the third term of the Decade (1995-1996), which was set out in the annex to the report.

2. Mr. ZMEEVSKY (Russian Federation) said that the 1990s had been a decade of profound changes on the international scene and, in that context, the growing influence of international law and law in general was of great practical importance. The legal system would be a stabilizing element in Russian society as it evolved and moved towards democracy, economic reform and a State in which the rule of law prevailed. The new Constitution of the Russian Federation incorporated into the country's legal system generally accepted principles of international law and the provisions of treaties to which the Federation was a party and, consequently, those instruments prevailed over national legislation and were directly applicable. That fact had given new impetus to the role played by law in defending democracy and human rights and in maintaining stability. The study of international law and the training of experts in the main provisions of international law was of particular importance in an open society and was fundamental to enabling his country to assume its definitive place in the international community. With that in mind, in September 1994 his Government had established the Russian National Committee for the United Nations Decade of International Law, which was mandated to organize meetings and seminars and to prepare publications in order to disseminate international law more widely.

3. Among the activities carried out in connection with the Decade, in 1993 the Russian Federation had celebrated the 125th anniversary of the St. Petersburg humanitarian declaration concerning the protection of victims of armed conflict. In addition, a Russian-American seminar on the role of the United Nations in the development of the law of the sea had been held in Moscow in August 1994, with the participation of the United Kingdom, France, Germany, the Netherlands, Norway, the Commonwealth of Independent States and the Baltic States. In addition, a multi-volume manual in international law, the aim of which was to teach graduate students to appreciate international law as a universal human value, was being prepared for publication.

4. Progress made thus far during the Decade could be evaluated at the United Nations Congress on Public International Law to be held in 1995 and which, apart from being the first congress on that matter in the 50-year history of the United Nations, would help provide a general idea of the legal order which would be needed in the twenty-first century.

5. In April 1994, his Government had proposed the convening of a third international peace conference (A/49/151-S/1994/537, annex). Although the previous peace conferences, held at The Hague in 1899 and 1907, had not been able to prevent the conflagration of two world wars, they had been important events in the development of international relations and the affirmation of peace and had established the foundations of humanitarianism and justice. On the eve of the third millennium, the objectives which continued to merit particular attention were the strengthening of international peace and the consolidation of the legal principles which, in a multipolar world order, provided the basis of a new global balance. One way to realize those objectives was to convene a third peace conference and, given the views of the Movement of Non-Aligned Countries and the efforts that had been made by the General Assembly in the context of the United Nations Decade of International Law, he was certain that the idea would be well received. The conference programme might cover the strengthening of the mechanism for the peaceful settlement of disputes, including the possible review of the 1899 and 1907 conventions; the adoption of norms to fill the gaps in international humanitarian law; and the creation of an international criminal justice system to try those responsible for crimes against humanity and offences against peace and international law.

6. During the current session, and in particular in the Working Group on the Decade, some countries had demonstrated strong interest in the idea of such a conference, the purpose of which would be not only to commemorate the anniversary of the first peace conference at The Hague and the establishment of the Permanent Court of Arbitration but also to achieve concrete results and evaluate the development of international law in terms of improving the mechanisms for the peaceful settlement of international disputes.

7. According to the Secretary-General's report, there was a trend towards making arbitration procedures international in scope. In that context, the third peace conference might consider whether it was appropriate to elaborate an arbitration procedure to resolve an entirely new kind of conflict. On another matter, he shared the view expressed in the report of the Secretary-General that there was no effective system for the application of the basic norms of international law or for punishing those individuals who violated those norms. He therefore welcomed the effort, with the active participation of Switzerland and the International Committee of the Red Cross, to study procedures for monitoring the application of the norms of international humanitarian law, in accordance with the Declaration adopted in 1993 by the International Conference on the Protection of War Victims. In its draft resolution on the Decade, the Sixth Committee should endorse the work which was being carried out in Geneva, and his delegation would be making some suggestions in that respect to the sponsors of the draft. The proposed third conference could follow closely the work being done in Geneva and consider ways to make use of it in other forums

dealing with cooperative efforts to safeguard peace. While it was premature to mention any particular outcome, it was possible that the conference might adopt a declaration or conclude a convention which would be open for signature to any State wishing to become party to it.

8. The most important function of the conference would be to serve as a forum to consider the interaction of the fundamental legal problems of the twenty-first century, and the main outcome, the perfecting of a technology of peace and adapting it to the many challenges posed by international security and the diverse nature of the conflicts and of those participating in them. If sufficient progress had not been made in establishing an international criminal justice system, the conference could also consider that matter.

9. In 1995, the Russian Federation planned to organize a series of meetings of experts who had shown interest in the proposal, including the establishment of a group of supporters of the convening of a peace conference. His delegation was willing to discuss the content, organization and development of the conference and would welcome any suggestions in that connection from delegations.

10. Mr. ZIMMERMANN (Observer for the International Committee of the Red Cross (ICRC)) said that the International Conference on the Protection of War Victims, held in Geneva in 1993, had requested the Swiss Government to convene an intergovernmental meeting of experts to explore practical methods of facilitating the application of international humanitarian law. The experts would be submitting their report to the twenty-sixth International Conference of the Red Cross and the Red Crescent in 1995, which would adopt the relevant decisions. It was appropriate to recall the stages of the process initiated in 1993 by ICRC, since wars continued to wreak havoc in the world and civilian populations were the first victims of armed conflicts, as ICRC delegates had been confirming on all fronts.

11. It was therefore necessary to take action, and the follow-up measures initiated by the International Conference on the Protection of War Victims would provide a way to find concrete and effective measures to bring about greater respect for war victims. The International Committee of the Red Cross invited States and the Sixth Committee to give to the follow-up of the Conference the attention it deserved.

12. Paragraph 14 of General Assembly resolution 48/30 requested the Secretary-General to invite the International Committee of the Red Cross (ICRC) to report on activities undertaken by it with regard to the protection of the environment in times of armed conflict and to submit the information received to the General Assembly. That information was contained in the report of the Secretary-General on the United Nations Decade of International Law (A/49/323), the annex of which contained the Guidelines for Military Manuals and Instructions on the Protection of the Environment in Times of Armed Conflict. The text had been drafted by recognized experts under the auspices of ICRC and reflected the comments submitted by States in that regard. One of the most effective ways of implementing the norms of international humanitarian law was by including them in the military manuals of national armed forces. Thus, the commanding officers

would be better acquainted with such norms and could ensure respect for them. ICRC therefore proposed that the Sixth Committee should invite States to take note of the Guidelines and to include them in the military manuals of their armed forces, which would thus become instruments for promoting international humanitarian law.

13. Finally, ICRC, which accorded special importance to the activities of the United Nations Decade of International Law and to the United Nations Congress on Public International Law to be held in 1995, hoped that the reaffirmation and implementation of international humanitarian law as a whole would be given the attention it deserved both in terms of programme activities and of the work of the Congress.

14. Mr. JONKMAN (Secretary-General of the Permanent Court of Arbitration) said that the Court had been established in 1899 with the mission of facilitating arbitration for the resolution of international disputes. By multilateral agreement, it was authorized to organize four of the settlement methods listed in Article 33 of the United Nations Charter: inquiry, mediation, conciliation and arbitration.

15. The declaration of the United Nations Decade of International Law had inspired the International Bureau of the Permanent Court of Arbitration to draw up a programme of activities aimed at improving the functioning of the Court. Since 1991, the following measures had been taken: (i) the Bureau had tried to make the legal advisers of States and other international lawyers more aware of the facilities and services provided by the Court; (ii) two new sets of procedural rules had been established: one for arbitration of disputes between States and the other for arbitration of disputes between a State and a private party; (iii) the Bureau had encouraged States not yet participating in the activities of the Permanent Court to accede to The 1907 Hague Convention for the Pacific Settlement of International Disputes; (iv) a conference of the members of the Court had been convened which had adopted two resolutions concerning the future of the Court and a possible conference in 1999 to celebrate the centenary of the first peace conference; (v) a Financial Assistance Fund had been established to compensate developing countries in some measure for the costs they incurred in connection with arbitration proceedings; (vi) the Bureau had dealt with an increasing number of requests under the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL) regarding the appointments or challenges of arbitrators; (vii) a Steering Committee had been constituted to make recommendations to the Council as to whether to revise The 1907 Hague Convention for the Pacific Settlement of International Disputes; and (viii) the Bureau was examining ways in which the Court might be used to resolve disputes between States and between States and private parties involving environmental issues and sustainable development.

16. The revitalized Court was not intended to compete with the International Court of Justice, since the forms of arbitral settlement were quite distinct from adjudication of disputes. States were free to choose which method was best suited to their needs. Both the International Court of Justice and the

Permanent Court of Arbitration had their own distinct roles, and together they provided a wide range of complementary settlement mechanisms.

17. The following were some of the special features of the Permanent Court of Arbitration: (i) it was competent to deal not only with disputes between States but also with disputes between States and private companies and other parties that were not States, such as international organizations; (ii) when constituting arbitral tribunals, the parties to a dispute might include members who were not lawyers but who had other relevant expertise, and the Court was therefore particularly appropriate to deal with disputes of a technical nature; (iii) it could organize the settlement of disputes comprising a large number of claims; (iv) it could organize a settlement of disputes for which parties sought a speedy resolution; (v) through modern procedural rules, the Court tried to restore the cost-effectiveness of the arbitral process; and (vi) it combined the advantages of an established institution with a maximum of flexibility and party autonomy.

18. The functioning of the Court was being decentralized so that an arbitral tribunal did not necessarily have to conduct its sittings at The Hague if it would be more cost-effective for the arbitration to take place at some other location, for instance where the dispute had arisen, since arrangements could be made through the local group of the members of Court to provide appropriate administrative support. Furthermore, since the high cost of arbitration often deterred developing countries from having recourse to international arbitration, the Financial Assistance Fund had recently been established, out of which developing countries might be permitted to draw for the purpose of setting off part of the costs incurred in the course of arbitral proceedings.

19. Finally, the Administrative Council of the Court invited all States that did not yet participate in the work of the Court to accede to The 1907 Hague Convention for the Pacific Settlement of International Disputes, requested Governments to contribute to the Financial Assistance Fund and urged developing countries having recourse to the arbitral settlement of disputes to apply for assistance from that Fund.

AGENDA ITEM 141: QUESTION OF RESPONSIBILITY FOR ATTACKS ON UNITED NATIONS AND ASSOCIATED PERSONNEL AND MEASURES TO ENSURE THAT THOSE RESPONSIBLE FOR SUCH ATTACKS ARE BROUGHT TO JUSTICE (continued) (A/C.6/49/L.9)

20. The CHAIRMAN said that Bulgaria, Germany, Italy and the Philippines had become sponsors of draft resolution A/C.6/49/L.9.

21. Mr. van BOHEMEN (New Zealand), speaking also on behalf of Ukraine, introduced draft resolution A/C.6/49/L.9 and said that wide consultations had been held on the text of the draft resolution, in particular on the substantive proposals it contained, namely: that the General Assembly should adopt and open for signature and ratification, acceptance or accession the Convention on the Safety of United Nations and Associated Personnel. It had been evident from both the consultations and the large number of sponsors from all regional groups that there was widespread support for the early adoption of the Convention. As

noted by the Chairman of the Working Group which had finalized the draft, it was widely acknowledged that the text, which was the product of a consensus negotiation, was not perfect. There were differing views and there were quite serious reservations with respect to the scope of the Convention and to the efficiency of the mechanism by which the Convention might be extended to operations outside the area of the maintenance of international peace and security. However, the draft Convention was a balanced package of rights and obligations which attempted to meet the essential objectives of all delegations. That balance was more likely to be upset than to be improved if the negotiations were to be prolonged or reopened on issues which had been thoroughly debated.

22. His delegation felt that the Committee was of the general view that it should proceed to the adoption of the text which had been negotiated the previous year in the Ad Hoc Committee established pursuant to General Assembly resolution 48/37. The adoption of the Convention would be an appropriate response to the cowardly attacks that continued to be perpetrated against persons defending the interests of the international community. Notwithstanding the continuing reservations which had been expressed about the draft Convention, the Committee was willing to adopt the draft resolution and thus the Convention, by consensus. Given the delicate balance within the text of the Convention, the text of the draft resolution had been deliberately kept simple and procedural, also bearing in mind the many precedents of similar resolutions adopted by the Sixth Committee. It would be highly appropriate to maintain that tradition with respect to the current Convention.

The meeting rose at 11.45 a.m.